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In the United States Patent and Trademark Office

Serial Number: 10/564,802
Application Filed: April 2, 2007
Applicant: Deutsch et al
Application Title: SPORTS TRAINING AND TESTING METHODS, APPARATUS AND SYSTEM
Examiner/GAU: Egloff, Peter Richard / GAU 3715

Dated August 31, 2010
At Coopers Plains, Qld, Australia

Assistant Commissioner for Patents
Washington, District of Columbia 20231

Dear Sir:

In response to the Office Action mailed June 7, 2010, please consider the following:

REMARKS/ARGUMENTS

1. The Applicant has carefully considered the official communication dated June 7, 2010 and the following remarks and arguments are made in response to that communication.
2. In paragraph 2 of the detailed action, the Examiner has rejected claims 1 to 3, 9 to 12, 14 and 15 under 35 U.S.C. 102(b) as being anticipated by Williams.
3. In support of this, the Examiner has stated that "Williams discloses a method for sports training and testing of at least one athlete, said method comprising the steps of: initiating within a control unit (58) a predetermined protocol for training and testing ..."
4. The Examiner's attention is respectfully drawn to MPEP 2121, referring to *Impax Labs. Inc. v. Aventis Pharm. Inc.*, 468 F.3d 1366, 1383, 81 USPQ2d 1001, 1013 in which it was held that prior art reference provides an enabling disclosure and thus anticipates a claimed invention if the reference describes the claimed invention in sufficient detail to enable a person of ordinary skill in the art to